

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT BODLEY,

Defendant.

ORDER

13-cr-52-bbc

Defendant Scott Bodley has filed a “notice of appeal” of an order entered in this court on February 1, 2016. He contends that the court issued an improper hypothetical order and advisory opinion on February 1, 2016, dkt. #233, and acted in the complete absence of jurisdiction in doing so, when it found no good faith basis on which defendant could appeal the denial of his motions (1) to compel production of grand jury transcripts, dkt. #228; (2) to provide the complete record on appeal, dkt. #227; and (3) to compel the clerk of court to provide the certified and complete appellate record, dkt. #229.

When I issued the February 1 order, I did not realize that defendant had chosen to represent himself on appeal and that I could not assume that his trial counsel would take responsibility for obtaining the materials defendant says he needs for his appeal. Now that I know that defendant is proceeding pro se, I will allow him to proceed with his appeal of orders ##227, 228 and 233 without having to prepay the \$505 filing fee, although it

seems improbable that he can succeed on his appeal of these motions.

ORDER

IT IS ORDERED that defendant Scott Bodley may include in his direct appeal of his conviction and sentence in this case, his appeal of this court's orders ##227, 228 and 233.

Entered this 19th day of February, 2016.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge